



February 14, 2003

SENATE BILL No. 256

DIGEST OF SB 256 (Updated February 13, 2003 10:00 AM - DI 71)

Citations Affected: IC 20-8.1; noncode.

Synopsis: Public school transfer program. Establishes a public elementary and secondary school transfer program, allowing the parent of a public school student to request a transfer for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Provides an allocation of public funds for transfer students between the base school corporation and the receiving school corporation and provides that the parent is responsible for transportation and any additional costs. Allows adjoining school corporations to enter into an interlocal agreement under which students may attend school in the adjoining school corporations. Allows a student who has legal settlement in a school corporation, whose parent owns property for which the parent pays property tax in another school corporation, to attend school in the school corporation in which the parent owns property without transfer tuition being charged.

Effective: July 1, 2003.

Kenley, Lubbers, Meeks R

January 9, 2003, read first time and referred to Committee on Education and Career Development.
February 13, 2003, amended, reported favorably — Do Pass.

SB 256—LS 6949/DI 71+



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February 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 256

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-6.1-0.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. This chapter does not apply**
4 **to a student who under:**

5 (1) **section 14 of this chapter; or**

6 (2) **the public elementary and secondary school transfer**
7 **program (IC 20-8.1-15);**

8 **attends a public school that is outside the school corporation where**
9 **the student has legal settlement.**

10 SECTION 2. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2003]: **Sec. 14. (a) The governing body of a**
13 **school corporation may enter into an interlocal agreement under**
14 **IC 36-1-7 with the governing body of an adjoining school**
15 **corporation under which a student whose legal settlement is in the**
16 **school corporation may attend school in the adjoining school**
17 **corporation.**

SB 256—LS 6949/DI 71+



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(b) If a student attends school in an adjoining school corporation under an interlocal agreement described in subsection (a):

- (1) the provisions of this chapter and IC 20-8.1-6.5 concerning transfer tuition do not apply; and
- (2) the terms of the interlocal agreement concerning the payment of costs for the student's attendance apply.

SECTION 3. IC 20-8.1-6.1-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 15. (a) This section applies to a student:**

- (1) who has legal settlement in a school corporation; and
- (2) whose parent owns property for which the parent pays property taxes in a school corporation other than the school corporation in which the student has legal settlement.

(b) Not later than April 1, the parent of a student to whom this section applies may notify the school corporation in which the parent owns property that the parent intends to enroll the student in the school corporation in which the parent owns property for the following school year.

(c) A school corporation that receives notice under subsection (b):

- (1) shall enroll the student in an appropriate school within the school corporation; and
- (2) may not request the payment of transfer tuition for the student from the school corporation in which the student has legal settlement or the student's parent.

SECTION 4. IC 20-8.1-6.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. This chapter does not apply to a student who under:**

- (1) IC 20-8.1-6.1-14; or
- (2) the public elementary and secondary school transfer program (IC 20-8.1-15);

attends a public school that is outside the school corporation where the student has legal settlement.

SECTION 5. IC 20-8.1-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 15. Public Elementary and Secondary School Transfer Program

Sec. 1. As used in this chapter, "ADM" has the meaning set



1 forth in IC 21-3-1.6-1.1.

2 Sec. 2. As used in this chapter, "base school corporation" means
3 the school corporation where a student has legal settlement.

4 Sec. 3. As used in this chapter, "program" refers to the public
5 elementary and secondary school transfer program.

6 Sec. 4. As used in this chapter, "public school" has the meaning
7 set forth in IC 20-10.1-1-2.

8 Sec. 5. As used in this chapter, "transfer" refers to a transfer
9 under the public elementary and secondary school transfer
10 program established under this chapter.

11 Sec. 6. The public elementary and secondary school transfer
12 program is established.

13 Sec. 7. On a date the department specifies that falls before the
14 beginning of a school year, the department shall grant transfers
15 and renewal transfers under this chapter.

16 Sec. 8. (a) The department shall grant a transfer to a student if
17 the following requirements are met:

- 18 (1) The student's parent requests a transfer for the student.
- 19 (2) The student's parent selects a school for the student to
20 attend under the transfer program.
- 21 (3) The school is a public school in Indiana that is:
 - 22 (A) in the student's base school corporation but a different
23 school from the school where the school corporation has
24 assigned the student; or
 - 25 (B) not a school in the student's base school corporation.
- 26 (4) Except as provided in section 14(b) of this chapter, the
27 principal of the school and the superintendent of the school
28 corporation where the school is located jointly agree to enroll
29 the student in the school.

30 (b) The department shall grant a renewal transfer to a student
31 who meets the following requirements:

- 32 (1) The student previously received a transfer in any year.
- 33 (2) The requirements of subsection (a) are met.
- 34 (c) The department may not grant a transfer to a student who
35 wishes to enroll in a school primarily for athletic reasons.

36 Sec. 9. Not later than April 1 before the beginning of a school
37 year for which a parent seeks enrollment of a student under the
38 transfer program, the student's parent must notify the
39 superintendent of the school corporation in which the parent seeks
40 to have the student enrolled of the parent's request to have the
41 student enrolled.

42 Sec. 10. (a) The superintendent of a school corporation where a

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parent seeks enrollment of a student under the transfer program:

- (1) is not required to enroll the student; and
- (2) may not enroll the student if enrollment will cause the school corporation to be out of compliance with a court order, including a court order described in IC 20-8.1-6.5-1.

(b) A superintendent may not refuse to enroll a student in violation of IC 20-8.1-2.

(c) A superintendent shall notify a parent who makes a request under section 9 of this chapter of the superintendent's decision not later than thirty (30) days after receiving a request for enrollment under section 9 of this chapter.

Sec. 11. The following apply when a student transfers under this chapter to a school in the student's base school corporation:

- (1) There is no monetary transfer award.
- (2) There is no change in:
 - (A) the ADM of the school corporation; or
 - (B) state assistance to the school corporation.
- (3) The school corporation is not required to provide transportation for the student.

Sec. 12. The following apply when a student transfers under this chapter to a school that is not a school in the student's base school corporation:

- (1) The amount of the transfer tuition is fifty percent (50%) of the state aid per ADM provided under IC 21-3 to the student's base school corporation.
- (2) The student remains in the ADM of the student's base school corporation until the earlier of the following:
 - (A) The date the student graduates from a high school.
 - (B) The date of the end of the school year during which the student becomes eighteen (18) years of age.
- (3) The school that enrolls the student may not include the student in the school's ADM.
- (4) The department shall do the following:
 - (A) Pay the amount of the transfer tuition to the school that enrolls the student.
 - (B) Deduct the amount of the transfer tuition from the distribution of state aid to the student's base school corporation.
- (5) The parent of the student is responsible for all costs of the student to attend the school that exceed the amount of the transfer tuition.
- (6) The student's base school corporation and the school



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corporation that enrolls the student are not responsible for providing transportation for the student.

Sec. 13. Except as provided in section 14(b) of this chapter, at the end of each school year the superintendent of the school corporation that enrolls a student under the program and the principal of the school the student attends shall jointly:

- (1) determine whether to enroll the student for the following school year; and
- (2) inform the department of their decision.

Sec. 14. (a) The governing body of a school corporation may adopt a policy that sets guidelines to be used in determining:

- (1) whether to accept a student for enrollment under the program; and
- (2) whether to continue a student's enrollment under the program.

(b) Notwithstanding sections 8(a)(4) and 13 of this chapter, a policy adopted under this section may provide that the governing body makes a determination of whether to enroll a student or to continue a student's enrollment under the program.

Sec. 15. A school corporation or school may not solicit the parents of a student to transfer the student to the school corporation or school.

Sec. 16. For purposes of accountability for performance and assessing school improvement under IC 20-10.2, a student who transfers to a school under the program established by this chapter is included as a student in the school to which the student transferred.

Sec. 17. The department shall establish procedures for the administration of this chapter.

Sec. 18. The department may adopt rules under IC 4-22-2 to implement and administer the program.

SECTION 6. [EFFECTIVE JULY 1, 2003] (a) As used in this SECTION, "department" has the meaning set forth in IC 20-8.1-1-17.

(b) As used in this SECTION, "school year" means the period of time described in IC 20-10.1-2-1.

(c) The department shall grant transfers under IC 20-8.1-15, as added by this act, beginning with the 2004-2005 school year.

(d) This SECTION expires July 1, 2006.



SENATE MOTION

Mr. President: I move that Senator Meeks R be added as coauthor of Senate Bill 256.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 256, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 3. IC 20-8.1-6.1-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 15. (a) This section applies to a student:**

- (1) who has legal settlement in a school corporation; and**
- (2) whose parent owns property for which the parent pays property taxes in a school corporation other than the school corporation in which the student has legal settlement.**

(b) Not later than April 1, the parent of a student to whom this section applies may notify the school corporation in which the parent owns property that the parent intends to enroll the student in the school corporation in which the parent owns property for the following school year.

(c) A school corporation that receives notice under subsection (b):

- (1) shall enroll the student in an appropriate school within the school corporation; and**
- (2) may not request the payment of transfer tuition for the student from the school corporation in which the student has legal settlement or the student's parent."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 256 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 7, Nays 3.



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